

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

107
A



FROM: TLMA – Transportation Department

SUBMITTAL DATE:
 August 3, 2015

SUBJECT: Amendment No. 1 to the Utility Agreement with the Jurupa Community Services District for the Relocation of Sewer Facilities, Clay Street Grade Separation Project, General Drive to Linares Avenue, City of Jurupa Valley. District 2; [\$2,700,000 total cost]; CMAQ 80%, RCTC Regional Funds 20%

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the submitted Amendment Number 1 to the Utility Agreement between the County of Riverside (County) and the Jurupa Community Services District for the relocation of sewer facilities, which are in conflict with the railroad grade separation improvement project under construction at the Clay Street and Union Pacific Railroad crossing in the city of Jurupa Valley; and
2. Authorize the Chairman of the Board to execute Amendment No. 1 to the agreement on behalf of the County.

Patricia Romo
 Assistant Director of Transportation

Juan C. Perez
 Director of Transportation and Land Management

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (Per Exec. Office)
COST	\$ 2,296,383	\$ 0	\$ 2,700,000	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: CMAQ (80%), RCTC Regional Measure A Funds (20%).
 There are no County General Funds or Transportation Department funds used in this project.

Budget Adjustment: No
 For Fiscal Year: 2015/2016

C.E.O. RECOMMENDATION:

APPROVE

BY:
 Tina Grande

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Benoit, seconded by Supervisor Jeffries and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Benoit and Ashley
Nays: None
Absent: None
Date: September 15, 2015
xc: Transp.

Kecia Harper-Ihem
 Clerk of the Board
 By:
 Deputy

- A-30
- Positions Added
- 4/5 Vote
- Change Order

Prev. Agn. Ref.: 05/21/13 (3-18)
 12/17/13 (3-56), 06/16/15 (3-53)

District: 2

Agenda Number:

3-26

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Amendment No. 1 to the Utility Agreement with the Jurupa Community Services District for the Relocation of Sewer Facilities, Clay Street Grade Separation Project, General Drive to Linares Avenue, City of Jurupa Valley. District 2; [\$2,700,000]; CMAQ 80%, RCTC Regional Funds 20%

DATE: August 3, 2015

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BACKGROUND:

Summary

Construction of the Clay Street Railroad Grade Separation Improvement Project was awarded to Ames Construction, Inc. on December 17, 2013 (Agenda Item 3-56), and construction began in May, 2014.

The railroad grade separation project will lower Clay Street under Union Pacific Railroad (UPRR) tracks, construct the bridge structure that will support the railroad tracks, and will include associated improvements. This project will improve motorist safety by separating vehicle traffic from rail traffic.

By action of May 21, 2013 (Agenda Item 3-18), the Board of Supervisors (Board) authorized the execution of the Utility Agreement with the Jurupa Community Services District (JCSD) for the relocation of sewer facilities, which were in conflict with the project improvements. The agreement provided for the relocation of an 18" sewer line and lift station owned by JCSD and located within the limits of the project. Since JCSD has prior and superior property rights with respect to the conflicting sewer facilities, the County is responsible for funding the work.

The Utility Agreement provides for compensating JCSD for the relocation of their facilities, which were in conflict with the Clay Street Grade Separation improvements. The compensation approved by the Board was based on estimates provided by JCSD prior to the competitive public bidding process. The terms of the agreement requires that JCSD be compensated for actual costs regardless of the estimate.

The original Utility Agreement included an estimate for relocation work of \$1,900,000. This Amendment No. 1 provides for the County to fund the relocations in accordance with the revised estimated cost of \$2,700,000. The increase in cost is due to:

1. JCSD was not able to award its contract to the low bidder due to a clerical error made by the low bidder. The low bidder withdrew the bid, and the second lowest bidder was awarded the contract. The awarded contract resulted in increased costs of approximately \$537,124 above the Engineer's Estimate.
2. The cost to relocate an electric service equipment enclosure, estimated at \$10,000, to facilitate the relocation of Edison Company facilities prior to the start of construction. The District agreed to perform this work to assist the County. It was necessary to relocate the service equipment enclosure before the County's contractor was scheduled to mobilize in order to avoid project delays.
3. Realignment of water pipeline relocation at the request of the Transportation Department. It was necessary to relocate the water pipeline through private property. Due to the short timeline to get this project to construction given funding deadlines, the design of the waterline location was finalized prior to the conclusion of property owner negotiations. The final acquisition agreement required that the waterline be placed in a location compatible with the owner's future development plans. This change included \$10,000 for re-design and \$21,000 for increased construction costs.
4. Additional costs of approximately \$221,876 for which the project is responsible, including additional engineering, change orders, and a contingency amount for unanticipated costs.

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Amendment No. 1 to the Utility Agreement with the Jurupa Community Services District for the Relocation of Sewer Facilities, Clay Street Grade Separation Project, General Drive to Linares Avenue, City of Jurupa Valley. District 2; [\$2,700,000]; CMAQ 80%, RCTC Regional Funds 20%

DATE: August 3, 2015

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Summary of increased costs that exceed the underlying agreement:

1. Increase in construction costs:	\$547,854
<u>These costs include:</u>	
Electrical facilities Change Order	
Realignment of Water Pipeline	
Additional Change Orders for which the project is responsible	
2. Increase in design, administration, inspection and survey costs:	\$252,146
<u>These costs include:</u>	
Contingencies	
JCSD administrative costs for which the project is responsible	
JCSD engineering costs for which the project is responsible	
Total Estimated Increased Costs:	\$800,000

On June 16, 2015, Agenda Item 3-53, the Board approved an agreement between the Riverside County Transportation Commission (RCTC) and the County for an additional \$3,453,000 of RCTC Regional Measure A funds for the increase in project costs, including this increase in JCSD utility relocation costs.

The pipeline relocation work was completed in late 2014, and the new Clay Street crossing under the railroad is expected to be complete in early 2016.

Amendment No. 1 to the Agreement has been reviewed and approved by County Counsel.

Project No.: B7-0753

Impact on Residents and Businesses

The contract work was performed by MMC Pipeline under contract to JCSD. The work was coordinated with the City of Jurupa Valley and local businesses to minimize inconvenience to the public.

SUPPLEMENTAL:

Additional Fiscal Information

The County has secured Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding from the Federal Highway Administration (FHWA) for the project and will utilize those funds in combination with RCTC Regional Measure A funds for the JCSD water pipeline relocation work. The original estimate of County costs was \$1,900,000. The increased costs, as described in this submittal, will be funded from Riverside County Transportation Commission (RCTC) Regional Measure A funds, as approved by Board action of June 16, 2015 (Agenda Item 3-53). Total payments to JCSD to-date total \$403,617. Anticipated costs in 2015/2016 total \$2,296,383.

Contract History and Price Reasonableness

The increased costs have been determined to be appropriate for the project to fund and are further summarized on the revised Exhibit A to Amendment No. 1 of the agreement.

ATTACHMENTS

- Vicinity Maps
- Amendment No. 1

**Amendment No. 1
to Utility Agreement
Clay Street Grade Separation
at Union Pacific Railroad Crossing
Within the City of Jurupa Valley, CA
Sewer Line Relocations**

This Amendment No. 1 is made and entered into this 15th day of Sep., 2015, by and between the County of Riverside, a political subdivision of the State of California (hereinafter referred to as "COUNTY"), and the Jurupa Community Services District, a public agency (hereinafter referred to as "OWNER").

RECITALS:

Whereas County and Owner entered into that certain Utility Agreement dated May 21, 2013, ("Agreement"), which Agreement sets forth the terms and conditions for the relocation of conflicting sewer pipeline and pumping facilities to accommodate County's construction on Clay Street at the Union Pacific Railroad crossing, and,

Whereas, construction by Owner's contractor is nearly complete, and in the performance of said work, increased costs of an estimated \$800,000 over and above those estimated at the time of the execution of the Agreement were incurred due to circumstances beyond the control of Owner, including:

1. Increased contract costs above the original estimate, which was made prior to competitive public bidding; and
2. Final determination of superior property rights; and
3. The cost to install electrical facilities, estimated at \$10,000, at the request of the Transportation Department to facilitate the relocation of Edison Company facilities; and
4. Realignment of water pipeline relocation at the request of the Transportation Department to facilitate the acquisition of necessary property for the project, and,

Whereas, it has been determined that, since final costs have exceeded the amount shown in the Agreement by approximately 42%, and when the increased cost exceeds by 25% the estimated amount set forth in the Agreement, the Agreement shall be amended to include the increased cost of the work to the County; and,

SEP 15 2015 326

**County of Riverside
Amendment to Utility Agreement
Clay Street Grade Separation**

Whereas, the estimated cost to the County of the work to be performed under the Agreement was \$1,900,000, and by reason of the increased costs referred to above, the amended estimated cost to the County is \$2,700,000.

NOW, THEREFORE, it is mutually agreed as follows:

1. The estimated cost to the County of \$1,900,000 as set forth in the Agreement and Exhibit A thereto is hereby amended to read \$2,700,000.
2. Exhibit A to the Agreement is replaced with Revised Exhibit A dated March 2014, attached hereto and incorporated by this reference.
3. All other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement Amendment as of the date indicated above.

COUNTY OF RIVERSIDE

JURUPA COMMUNITY
SERVICES DISTRICT

By *Marion Ashley*
Chairman of the Board of Supervisors
MARION ASHLEY

By *Patricia Anderson*
President of the Board of Directors

Dated SEP 15 2015

Dated March 24, 2014

ATTEST:
KECIA HARPER-IHEM
Clerk of the Board

ATTEST:
Secretary to the Board of Directors

By *Karen Patton, deputy*

By *Juni B. Saba*

APPROVED AS TO FORM:

APPROVED AS TO FORM:

By *Jessica A. Vetter 8/24/15*

By *Michael T. Reed*

CLAY STREET GRADE SEPARATION
SUMMARY OF WATER AND SEWER RELOCATION COSTS
REVISED EXHIBIT A - MARCH 2014
[DPN 3341]

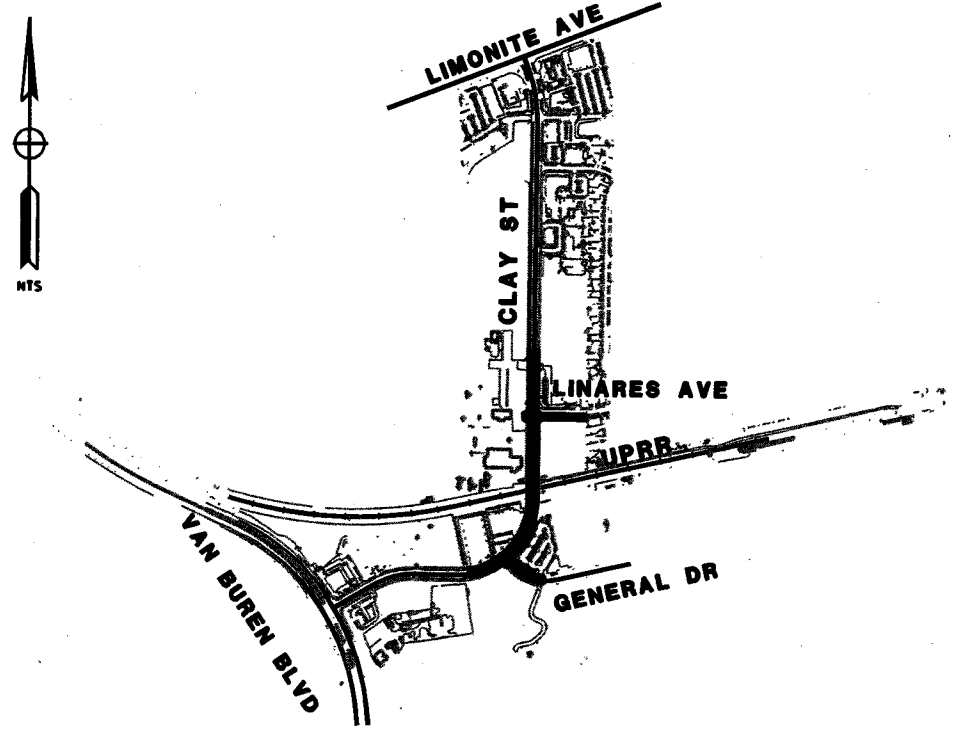
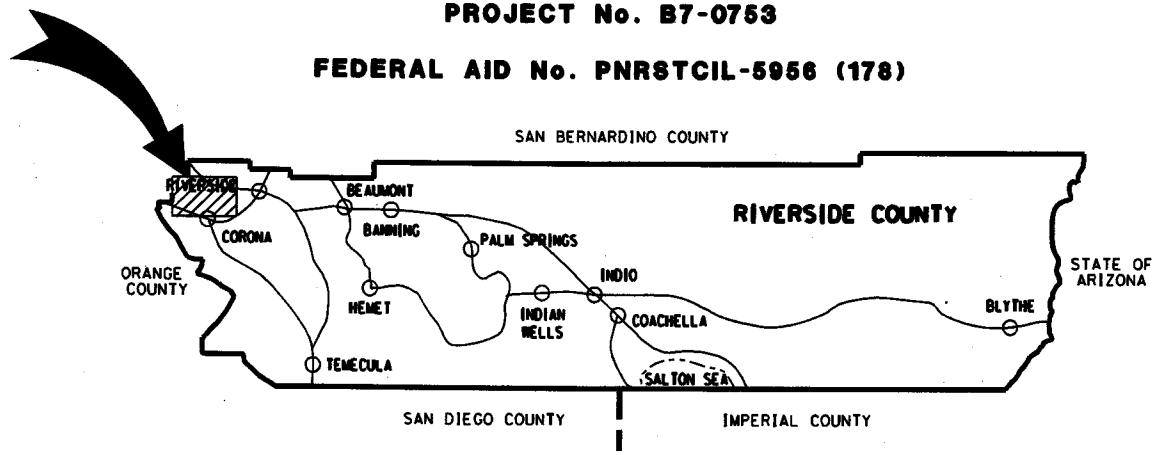
Description	Prior Rights	Estimated Construction Costs	
		JCSD	Riverside County
Water Facilities			
W1 - Permanent Relocation by JCSD prior to Grading (2,000 LF)	County	\$528,354	\$0
W2 - Permanent Relocation by County during Grading (700 LF) (1)	County	\$140,000	\$0
W3 - Additional Pipeline Replacement by JCSD prior to Grading (1,800 LF)	County	\$475,519	\$0
W4 - Temporary Bypass (Lump Sum) (1)	County	\$20,000	\$0
Water Facilities Subtotal		\$1,163,873	\$0
Sewer Facilities			
S1 - 18" Diameter Force Main Relocation by JCSD prior to Grading (1,800 LF)	JCSD		\$543,854
S2 - Clay Street Lift Station Relocation prior to Grading (Lump Sum)	JCSD		\$1,467,000
S3 - Gravity Sewer Manhole Adjustment to Grade (Lump Sum) (1)	County	\$10,000	
S4 - 10" Diameter Force Main Relocation by JCSD prior to Grading (1,350 LF)	County	\$216,674	
S5 - 18" Diameter Regional Forcemain Segment 2 (2)	JCSD	\$337,226	
Sewer Facilities Subtotal		\$563,900	\$2,010,854
Change Orders		\$89,000	\$77,000
Water & Sewer Facilities Total Construction Cost		\$1,816,773	\$2,087,854
CM&I		\$158,288	\$205,433
Redesign of General Drive		\$0	\$10,000
Incurring costs (including JCSD Labor)		\$237,833	\$338,748
Contingency		\$58,073	\$57,965
Subtotal		\$454,194	\$612,146
Water & Sewer Facilities Total Project Cost		\$2,270,967	\$2,700,000

1) Work to be done by JCSD under separate award, during construction window provided in County Agreement

2) Work being done under this contract is part of the Regional Forcemain Project (3729DP)

COUNTY OF RIVERSIDE
TRANSPORTATION DEPARTMENT

Clay Street/Union Pacific Railroad
Grade Separation Project
Including Improvement on General Drive and Linares Avenue
in the City of Jurupa Valley
PROJECT No. B7-0753
FEDERAL AID No. PNRSTCIL-5956 (178)



VICINITY MAP
TOWNSHIP 28 RANGE 6W SECTION 25
COUNTY ROAD BOOK PAGE No. 15B

CLAY STREET VICINITY MAP

